

BAKER BOTTS LLP*Fax receipt will not be confirmed by phone unless requested.***RECEIVED
CENTRAL FAX CENTER****NOV 01 2004**ONE SHELL PLAZA
910 LOUISIANA
HOUSTON, TEXAS
77002-4995
713.229.1234
FAX 713.229.1522
www.bakerbotts.comAUSTIN
BAKU
DALLAS
HOUSTON
LONDON
MOSCOW
NEW YORK
RIYADH
WASHINGTONFROM Roger Fulghum
DATE November 1, 2004
PAGES 13 (including cover)VOICE NO. 713.229.1707
FAX NO. 713.229.2707
RETURN TO Roger FulghumTO Mr. Bryce P. Bonzo
Examiner - U.S.P.T.O.FAX NO. 703.872.9306
VOICE NO. 703.305.4834**MESSAGE**

Please direct this facsimile to patent examiner Bryce P. Bonzo in Art Unit 2114. This facsimile concerns the following patent application:

Serial No. 09/927,047
Applicant: Mashayekhi et al.
Filed: August 9, 2001
Invention: Failover System and Method for Cluster Environment

Notice of Confidentiality

The information contained in and transmitted with this facsimile is: 1. Subject to the Attorney-client Privilege; 2. Attorney Work Product; or 3. Confidential. It is intended only for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, or use of or reliance upon the information contained in and transmitted with this facsimile by or to anyone other than the recipient designated above by the sender is unauthorized and strictly prohibited. If you have received this facsimile in error, please notify Baker Botts L.L.P. by telephone at 713.229.1730 immediately. Any facsimile erroneously transmitted to you should be immediately returned to the sender by U.S. Mail or, if authorization is granted by the sender, destroyed.

If you do not receive all pages, please call: 713.229.1730 or 713.229.1621 for assistance.

H01103-906K37.1

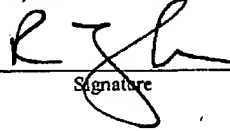
PAGE 1/13 * RCVD AT 11/1/2004 7:58:59 PM [Eastern Standard Time] * SVR:USPTO-EFAX-1/0 * DNIS:8729306 * CSID:713 229 1522 * DURATION (mm-ss):04-24

RECEIVED
CENTRAL FAX CENTER

NOV 01 2004

PATENT
016295.0624

Pursuant to 37 C.F.R. § 1.8 and 1.6(d), I hereby certify that I have information and a reasonable basis for belief that this paper will be transmitted by facsimile to (703) 872-9306 on November 1, 2004.


Signature11-1-04
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mashayekhi et al.

Serial No.: 09/927,047

Filed: August 9, 2001

Invention: Failover System and Method for
Cluster Environment§
§
§
§
§
§
§
§
§

Group No.: 2114

Examiner: Bryce P. Bonzo

RESPONSE TO OFFICE ACTION MAILED JUNE 30, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Office Action mailed June 30, 2004, Applicants submit this response and respectfully request reconsideration of the examiner's objections and rejections.

Petition for Extension of Time

Applicants petition for a one-month extension of time under 37 C.F.R. § 1.136 up to and including November 1, 2004. Applicants note that November 1, 2004 is the first business day following October 30, 2004, which was a Saturday. Applicants hereby authorize and instruct the U.S. Patent and Trademark Office to charge Deposit Account No. 02-0383 (matter 016295.0672) of Baker Botts L.L.P. in the amount of \$110.00 for a one-month extension of time.

HOU03:996460.1

Applicants hereby authorize the U.S. Patent and Trademark Office to charge Deposit Account No. 02-0383 (matter 016295.0672) of Baker Botts L.L.P. for any other charges necessary for the filing of this response.